

**DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

**SEALED CARTRIDGE FOR MAKING A BEVERAGE**

and for which a patent application is attached hereto

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION |                        |                                      |   |
|--|------------------------|--------------------------------------|---|
| APPLICATION NUMBER   | COUNTRY                | DATE OF FILING<br>(day, month, year) | PRIORITY CLAIMED  |
| 99105596.3   | European Patent Office | 18 March 1999                        | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |
|  |                        |                                      | <input type="checkbox"/> YES <input type="checkbox"/> NO            |
|  |                        |                                      | <input type="checkbox"/> YES <input type="checkbox"/> NO            |

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

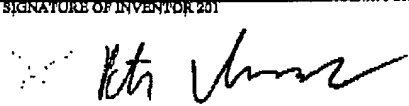
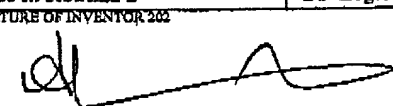
| PROVISIONAL APPLICATION NUMBER | FILING DATE |
|--------------------------------|-------------|
|                                |             |
|                                |             |
|                                |             |

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

| NON-PROVISIONAL<br>APPLICATION NO. | FILING DATE   | STATUS   |         |           |
|------------------------------------|---------------|----------|---------|-----------|
|                                    |               | PATENTED | PENDING | ABANDONED |
| PCT/EP00/01752                     | March 2, 2000 |          | X       |           |
|                                    |               |          |         |           |
|                                    |               |          |         |           |

\* for use only when the application is assigned to a company, partnership or other organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

|   |   |                     |                          |                           |
|---|---|---------------------|--------------------------|---------------------------|
| 2 | FULL NAME OF INVENTOR   | LAST NAME           | FIRST NAME               | MIDDLE NAME               |
| 0 | RESIDENCE & CITIZENSHIP   | CITY                | STATE OR FOREIGN COUNTRY | COUNTRY OF CITIZENSHIP    |
| 1 | POST OFFICE ADDRESS   | STREET              | CITY                     | STATE OR COUNTRY ZIP CODE |
|   |   | Le Verger C         | Granges                  | Switzerland 1614          |
|   | SIGNATURE OF INVENTOR 201   |                     |                          | DATE                      |
|   |  |                     |                          | September 11 2001         |
| 2 | FULL NAME OF INVENTOR   | LAST NAME           | FIRST NAME               | MIDDLE NAME               |
| 0 | RESIDENCE & CITIZENSHIP   | CITY                | STATE OR FOREIGN COUNTRY | COUNTRY OF CITIZENSHIP    |
| 2 | POST OFFICE ADDRESS   | STREET              | CITY                     | STATE OR COUNTRY ZIP CODE |
|   |   | Ch. de la Rontiaz 2 | ST-Legier-La-Chiesaz     | France Switzerland 1806   |
|   | SIGNATURE OF INVENTOR 202   |                     |                          | DATE                      |
|   |  |                     |                          | September 10th 2001       |
| 2 | FULL NAME OF INVENTOR   | LAST NAME           | FIRST NAME               | MIDDLE NAME               |
| 0 | RESIDENCE & CITIZENSHIP   | CITY                | STATE OR FOREIGN COUNTRY | COUNTRY OF CITIZENSHIP    |
| 3 | POST OFFICE ADDRESS   | STREET              | CITY                     | STATE OR COUNTRY ZIP CODE |
|   | SIGNATURE OF INVENTOR 203   |                     |                          | DATE                      |
|   |   |                     |                          |                           |
| 2 | FULL NAME OF INVENTOR   | LAST NAME           | FIRST NAME               | MIDDLE NAME               |
| 0 | RESIDENCE & CITIZENSHIP   | CITY                | STATE OR FOREIGN COUNTRY | COUNTRY OF CITIZENSHIP    |
| 4 | POST OFFICE ADDRESS   | STREET              | CITY                     | STATE OR COUNTRY ZIP CODE |
|   | SIGNATURE OF INVENTOR 204   |                     |                          | DATE                      |
|   |   |                     |                          |                           |
| 2 | FULL NAME OF INVENTOR   | LAST NAME           | FIRST NAME               | MIDDLE NAME               |
| 0 | RESIDENCE & CITIZENSHIP   | CITY                | STATE OR FOREIGN COUNTRY | COUNTRY OF CITIZENSHIP    |
| 5 | POST OFFICE ADDRESS   | STREET              | CITY                     | STATE OR COUNTRY ZIP CODE |
|   | SIGNATURE OF INVENTOR 205   |                     |                          | DATE                      |
|   |   |                     |                          |                           |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: P. MASEK et al.

Application No.:

Group Art Unit:

Filing Date: Concurrently Herewith

Examiner:

For: SEALED CARTRIDGE FOR MAKING A  
BEVERAGE

Attorney Docket No.: 88265-6550

**POWER OF ATTORNEY BY ASSIGNEE  
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

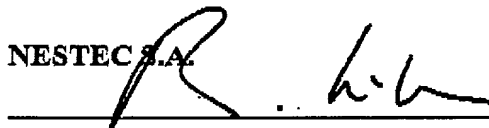
The undersigned assignee of the entire interest in the above-identified subject application hereby appoints Allan A. Fanucci (Reg. No. 30,256) of WINSTON & STRAWN (Customer No. 28765) to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith.

An assignment of the entire interest in the above-identified subject application is submitted herewith for recording and a copy is attached. The undersigned has reviewed this assignment and, to the best of his knowledge, title is in the assignee seeking to take action in this application and that he is empowered to act on its behalf.

ASSIGNEE:

NESTEC S.A.

Signature:



Date of Signature:

Sept. 14, 2001

Typed Name:

Roman Vuille

Position/Title:

Assistant Vice President

Address:

Avenue Nestlé 55

1800 Vevey

Switzerland

ASSIGNMENT

**COPY**

WHEREAS, We,

Petr MASEK, a citizen of Switzerland, residing at Le Verger C  
1614 Granges, Switzerland; and

Alfred YOAKIM, a citizen of France, residing at Ch. de la Routiaz 2, 1806  
ST-Legier-La-Chiesaz, Switzerland

ASSIGNORS, are the inventors of the invention in **SEALED CARTRIDGE FOR  
MAKING A BEVERAGE**, for which we have executed an application for a Patent of the  
United States

☒ which is executed on even date herewith  
☒ which is identified by Winston & Strawn Docket No. 88265-6550

WHEREAS, NESTEC S.A., a Swiss corporate body having a place of business at  
Avenue Nestlé 55, 1800 Vevey, Switzerland, ASSIGNEE, is desirous of obtaining the entire  
right, title and interest in, to and under the said invention and the said application.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand  
paid, and other good and valuable consideration, the receipt of which is hereby  
acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and  
by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its  
successors, legal representatives and assigns, the entire right, title and interest in, to and under  
the said invention, and the said United States application and all divisions, renewals and  
continuations thereof, and all Patents of the United States which may be granted thereon and  
all reissues and extensions thereof;

AND WE HEREBY authorize and request the Commissioner of Patents and  
Trademarks of the United States, to issue the same to the said ASSIGNEE, its successors,  
legal representatives and assigns, in accordance with the terms of this instrument;

AND WE HEREBY covenant and agree that we have full right to convey the entire  
interest herein assigned, and that we have not executed, and will not execute, any agreement  
in conflict herewith;

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, and reissue applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention.

IN WITNESS WHEREOF, the undersigned inventors have affixed their signatures.

September 11, 2001  
Date

Petr MASEK  
Petr MASEK

On this 11<sup>th</sup> day of Sept., 2001, before me appeared Petr MASEK, to me known and known to me to be the person of that name, who signed the foregoing instrument, and acknowledged the same to be his/her free act and deed.

11.09.2001  
Date

J. Canellk  
Witness

September 10<sup>th</sup> 2001  
Date

Alfred YOAKIM  
Alfred YOAKIM

On this 10<sup>th</sup> day of Sept., 2001, before me appeared Alfred YOAKIM, to me known and known to me to be the person of that name, who signed the foregoing instrument, and acknowledged the same to be his/her free act and deed.

10.09.2001  
Date

J. Canellk  
Witness